

CITY COUNCIL AGENDA

APRIL 2, 2002

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Vice Mayor Shirakawa, Jr. (excused)

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.

7:05 p.m. - Public Hearings, Council Chambers, City Hall
Absent: Council Members – None.
- **Invocation (District 4)**
Philip Hsieh, Tzu Chi Foundation, a worldwide charity organization headquartered in Taiwan with a total membership of five million in more than 30 countries, delivered the invocation.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved with one addition: Item 4.5 deferred to 04/09/02.

1 CEREMONIAL ITEMS

- 1.1 **Presentation of an Outstanding Employee Award and commendation to Tammy Turnipseed, Supervisor of Event and Technical Services for the Department of Conventions, Arts and Entertainment. (City Manager's Office)**
Joining Mayor Gonzales at the Podium were City Manager Del D. Borgsdorf, Director of Conventions, Arts and Entertainment Nancy Johnson, and honoree Tammy Turnipseed, who accepted the award and commendation. Tammy was congratulated and commended for her exemplary public service and commitment to excellence.
- 1.2 **Presentation of a proclamation declaring April 2002 as Earthquake Preparedness Month. (Emergency Services)**
Mayor Gonzales invited to the Podium *San José Prepared!* Volunteers Charlotte Sullivan, George Costa, Al Cole, Larry Mattmann, June Updegraff, and Ed Updegraff who accepted the proclamation. Mayor Gonzales expressed appreciation to the volunteers for their contributions to the City by increasing community awareness regarding proper procedures to follow before, during, and after an earthquake, and urged all citizens to familiarize themselves with appropriate safety measures, in order to protect themselves and others during natural disasters.

1 CEREMONIAL ITEMS

- 1.3 Acceptance of a Campaign Milestones Award to the City of San José from the Cities for Climate Protection, recognizing our work toward the reduction in greenhouse gas emissions that contribute to global warming and air pollution. (Environmental Services)
Joined by Mayor Gonzales at the Podium, Deputy Director of Environmental Services Ellen Ryan introduced Ryan Bell, who presented to the City of San José, on behalf of the International Council for Local Environmental Initiative, the Campaign Milestones Award from the Cities for Climate Protection. Ryan Bell identified the steps taken by San José to reduce greenhouse gas emissions that contribute to global warming and air pollution, and Mayor Gonzales accepted the Award. Ellen Ryan expressed appreciation to the City Departments for their hard work, and asked them to stand to be recognized.
- 1.4 Presentation of a commendation to the Downtown Association for their leadership in the Sharkbyte exhibit. (Mayor)
Mayor Gonzales introduced Glage Zelalich and Scott Niece from the San José Downtown Business Association, and congratulated the organization for the efforts to bring art to the Downtown, which culminated in a successful arts auction held March 2, 2002, generating more than \$257,000 for local nonprofit organizations and arts groups, and for the Sharkbyte exhibits displayed throughout the City of San José. Glage Zelalich accepted the commendation.
- 1.5 Presentation of a commendation to George Gund III for his commitment to the San José community through the San José Sharks. (Mayor)
(Deferred from 3/26/02 – Item 1.5)
Mayor Gonzales acknowledged Don Grelnek, Greg Jamison, and Tom McEnery, and expressed appreciation for the exceptional contributions of George Gund III to the City of San José. On behalf of Mr. Gund, Greg Jamison accepted the commendation.
- 1.6 Presentation of a commendation to Chris Matión, National Champion amateur female boxer and honor roll student at Yerba Buena High School. (Reed)
(Deferred from 3/19/02 – Item 1.1)
**This Item Heard in the Evening.
Joining Mayor Gonzales at the Podium, Council Member Reed introduced Chris and her mother, and acknowledged the student's outstanding academic and athletic achievements. Mayor Gonzales presented the commendation to Chris with congratulations on her efforts to prepare for the Olympics and pursuit of excellence.**

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of October 2, 2001

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26586 – Rezones certain real property situated on the southeast corner of Southwest Expressway and Fruitdale Avenue. PDC 01-07-068

Ordinance No. 26586 adopted.

- (b) ORD. NO. 26587 - Rezones certain real property situated on the southwest corner of Winchester Boulevard and Loma Verde Drive. PDC 01-05-061

Ordinance No. 26587 adopted.

- (c) ORD. NO. 26588 - Rezones certain real property situated on the southeast corner of Lucretia Avenue and Owsley Avenue. PDC 00-03-018

Ordinance No. 26588 adopted.

2.3 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #27, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.4 Approval to submit a grant application for the San José LEARNS Program.

Recommendation: Adoption of a resolution:

- (a) Authorizing the City Manager to submit a renewal grant application to the California Department of Education (CDE) in an amount not to exceed \$6 million for the period between July 1, 2002 and June 30, 2005, and to negotiate and execute an agreement if the grant is awarded to the City; and

- (b) Authorizing the City Manager to negotiate and execute agreements with school districts associated with the San Jose LEARNS Program.

(Parks, Recreation and Neighborhood Services)

Resolution No. 70898 adopted.

2 CONSENT CALENDAR

2.5 Approval to initiate proceedings to consider a property as a historic landmark.

Recommendation: Adoption of a resolution to:

- (a) Initiate proceedings to consider the Arthur Monroe Free House, 66 South 14th Street as a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature.
- (b) Set a public hearing on May 28, 2002 at 1:30 p.m.
- (c) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.

Council District 3. SNI: University. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

Resolution No. 70899 adopted.

2.6 Approval to award a contract for the Cedro Street Improvement Project.

Recommendation: Report on bids and award of a contract for the Cedro Street Improvement Project to the low bidder, El Camino Paving, Inc. in the amount of \$151,152, and approval of a contingency in the amount of \$15,000. CEQA: Exempt. Council District 7. (Public Works)

Approved.

2.7 Approval of various actions, as the WIA fiscal agent, related to the Homeland Security Conference & Technology Expo.

Recommendation:

- (a) Approval of a first amendment to the agreement between the City of San José and PRx, Inc. (PRX), increasing compensation by \$250,000, from \$200,000 to \$450,000, with grant and Workforce Investment Act funds, to reimburse suppliers for expenses at the Homeland Security Conference & Technology Expo and to increase marketing services.

Approved.

- (b) Adoption of an appropriation ordinance and funding source resolution amendment in the Workforce Investment Act Fund (Fund 290) to increase the Rapid Response Appropriation 2983 by \$151,300.

(Office of Economic Development/City Manager's Office)

(Rules Committee referral 3/27/02)

Ordinance No. 26596 adopted.

Resolution No. 70900 adopted.

Council approved the recommendation with direction to the City Manager to work with the WIN Board to ensure compliance with City policy and procedural processes for approving and awarding contracts and agreements.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – March 20, 2002

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.
- (b) City Council
 - (1) Review April 2, 2002 Draft Agenda
The Committee approved the April 2, 2002 City Council Agenda with two additions and one change.
 - (2) Add New Items to March 26, 2002 Amended Agenda
The Committee recommended six additions and three deferrals to the March 26, 2002 City Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee**None Filed.**
- (d) Meeting Schedules
The Committee recommended approval to schedule a Study Session, entitled “Mid-Year Policy Priority Setting Session” for Tuesday, April 23, 2002, 1:30 p.m., Council Chambers.
- (e) The Public Record
None Filed.
- (f) Boards, Commissions and Committees
None Filed.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Filed.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 20, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(h) Administrative Reviews and Approval

- (1) Request from Council Member Linda LeZotte to use Council General funds to attend the League of California Cities' Transportation Policy Committee meeting in Ontario, CA, March 21, 2002

The Committee approved the use of Council General funds by Council Member LeZotte to attend the League of California Cities' Transportation Policy Committee meeting, in Ontario, CA, March 21, 2002.

(i) Oral communications

Pete Campbell expressed concern regarding language changes on documents related to the renaming of the Airport. He also suggested the City sell the new Civic Center property at Fourth and Santa Clara Streets. The Committee took no action on the requests.

(j) Adjournment

The meeting was adjourned at 2:35 p.m.

The Rules Committee Report and actions of March 20, 2002 accepted.

3.3 Report of the Finance and Infrastructure Committee

Council Member Dando, Chair

No Report.

3.4 Direction to the City Attorney to draft an ordinance.

Recommendation: Direction to the City Attorney to draft an ordinance to exempt transfers of real property between domestic partners from the City's Real Property Conveyance Tax using the same definition for domestic partners as the State Registry. (Yeager)

Council directed the City Attorney to draft an ordinance exempting domestic partners from the City's Real Property Conveyance Tax.

3.5 Adoption of a resolution declaring the results of the General Municipal Election.

Recommendation: Adoption of a resolution declaring the results of the General Municipal Election held on March 5, 2002, and calling for a General Municipal Election to be held on November 5, 2002. (City Clerk)

[Deferred from 3/26/02 – Item 3.4(a)]

Resolution No. 70901 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.1 Report of the Economic Development & Environment Committee
Council Member Williams, Chair
No Report.**

- 4.2 Approval of various actions related to the Rose Gardens Senior Apartments.**

Recommendation: Adoption of a resolution approving business terms for a conditional grant of up to \$1,474,216 to Rose Gardens, L.P., a California limited partnership, or its designated partnership, for the development of the 66-unit Rose Gardens Senior Apartments, which include 18 units affordable to extremely low-income households, on a 1.35 acre site located at 3071 Rose Avenue, between Capitol Avenue and South White Road. Council District 5. SNI: East Valley/680 Communities. (Housing)

Resolution No. 70902 adopted.

- 4.3 Approval of various actions related to the Gadberry Courts Senior Apartments.**

Recommendation: Adoption of a resolution approving an increase to the existing conditional grant by \$874,384, for a total amount of \$1,324,834, to Gadberry Courts, L.P., a California limited partnership, or its affiliate (the “Developer”), for the development of the 55-unit Gadberry Courts Senior Apartments, which include 19 units affordable to extremely low-income households, on a 1.07 acre site located on the north side of Alum Rock Avenue, on the block bounded by Highway 680 and Alexander Avenue. Council District 5. (Housing)

Resolution No. 70903 adopted.

- 4.4 Approval of various actions related to the Shiraz Senior Housing.**

Recommendation: Adoption of a resolution approving an increase to the existing Construction/Permanent loan by \$694,140, for a total construction loan amount of up to \$2,706,487, and a total permanent loan amount of up to \$2,604,963, to Shiraz Senior Housing, L.P., a California limited partnership, or its affiliate (the “Developer”), for the development of the 61-unit Shiraz Senior Housing Apartments on a 1.55 acre site located at 1275 McLaughlin Avenue, south of Owsley Avenue Avenue. Council District 7. SNI: Tully/Senter. (Housing)

Resolution No. 70904 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Public Hearing and approval of various actions related to the Hacienda Villa Creek Senior Apartments.

Recommendation:

- (a) Hold a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing for the issuance of up to \$8,000,000 in tax-exempt multifamily housing revenue bonds for the Hacienda Villa Creek Senior Apartments (“Project”) consisting of up to 92 units, affordable to very-low income senior households, on a 2.02 acre site located at the northerly termini of East Court and West Court, north of East Julian Street.
- (b) Adoption of resolutions:
 - (1) Approving a funding commitment for a construction and permanent loan of up to \$4,286,522 during the construction phase, and up to \$3,197,499 during the permanent phase, to Roem Development Corporation, or an affiliated entity (“Developer”), for the development of the Hacienda Villa Creek Apartments affordable to very-low income senior households on a 2.02 acre site located at the northerly termini of East Court and West Court, north of East Julian Street.
 - (2)
 - (a) Expressing its intent to issue up to \$8,000,000 in tax-exempt multifamily housing revenue bonds to finance the construction of the development.
 - (b) Authorizing the Director of Housing to file an application with California Debt Allocation Committee (CDLAC) for an allocation of up to \$8,000,000 in private activity bonds for the Project.
 - (c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Roem Development Corporation, or an affiliated entity, for the CDLAC application for the Hacienda Villa Creek Apartments Development.

Council District 3. SNI: Five Wounds/Brookwood Terrace. (Housing/Finance)

TEFRA Hearing Opened.

Continued to 04/09/02.

4.6 Public Hearing on the 2002-2003 Draft Consolidated Plan Annual Action Plan.

Recommendation: Open, for public review and comment, the public hearing on the 2002-2003 Draft Consolidated Plan Annual Action Plan, including FY 2002-2003 proposed recommendations for the Community Development Block Grant Program, the HOME Investment Partnership Program, the Housing Opportunities for People with HIV/AIDS Program, and the Emergency Shelter Grant Program. (Housing/Parks, Recreation and Neighborhood Services)

This Item Heard in the Evening.

Public Hearing Opened for public review and comment on the 2002-2003 Draft Consolidated Plan Annual Action Plan.

Public Testimony accepted from 17 individuals.

Public Hearing Continued to 04/30/02 for Council action.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.7 Approval of the 13th Street Strong Neighborhoods Initiative Neighborhood Improvement Plan.

Recommendation: Approval of the 13th Street Strong Neighborhoods Initiative Neighborhood Improvement Plan. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). Council District 3. SNI: 13th Street. (Planning, Building and Code Enforcement)

This Item Heard in the Evening.

Council approved the 13th Street Strong Neighborhoods Initiative Neighborhood Improvement Plan with direction to the Administration to work with County Administration on the issue of the Trauma Center.

4.8 PUBLIC HEARING and adoption of a resolution vacating a portion of the Public Service Easement.

Recommendation: PUBLIC HEARING and adoption of a resolution vacating a portion of the Public Service Easement on the former Baroni Avenue between Capitol Expressway and Vista Park Drive. CEQA: Negative Declaration. Council District 10. (Public Works)

Resolution No. 70905 adopted.

4.9 PUBLIC HEARING and adoption of a resolution vacating a light and air easement.

Recommendation: PUBLIC HEARING and adoption of a resolution vacating the light and air easement (Building Setback Line) that lies within Lot 28 of Tract No. 5852, at the southwesterly terminus of Millet Court. CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1). Council District 5. (Public Works)

Resolution No. 70906 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.10 Public Hearing and approval of an ordinance to modify the maximum height allowance, size, and quantity for attached signs.

Recommendation: PUBLIC HEARING and approval of an ordinance modifying Section 23.04.020 of Chapter 23.04 of Title 23 of the San José Municipal Code to increase the maximum allowed height of an attached sign in Commercial and Industrial Zoning Districts and Neighborhood Business districts, to no higher than the finished floor elevation of the fourth floor of a building, establish a size allowance for third-story signs, and prohibit signage for third-story occupancies in the Commercial Office (CO) Zoning District. CEQA: Exempt. (Planning, Building and Code Enforcement)
(Deferred from 3/26/02 – Item 4.3)

Ordinance No. 26597 passed for publication.

Council approved the recommendation with the addition that (a) in the area north of Highways 101 and 880, attached signs may be displayed on the top floor of the structure, subject to the same size and design limitations for second-story attached signs; and (b) with direction to Staff to report back to the Economic and Development Committee in 90 days with a recommendation for size, location, and proportionality limitations on skyline signs and roof signs on buildings that are 85-feet high or higher in the area north of Highways 101 and 880.

4.11 Public Hearing and approval of an ordinance to establish an urban mixed-use development area sign zone.

Recommendation: PUBLIC HEARING and approval of an ordinance amending Title 23 of the San José Municipal Code to establish an urban mixed-use development area sign zone and to provide regulations governing amount, type, and placement of signs within that zone. CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)
(Deferred from 3/26/02 – Item 4.4)

Ordinance No. 26598 passed for publication.

Council approved Staff's recommendation to amend sections of the San José Municipal Code to establish an Urban Mixed-Use Development Areas Sign Zone with direction to Staff to (a) develop a workplan for education and outreach on the new ordinance to appropriate stakeholders, including applicability and role of quality design and materials; and (b) work with Developers of new buildings or major renovations on how signage may be best integrated into their project.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – March 18, 2002

Council Member Chavez, Chair

- (a) Youth Commission Monthly Report
The Committee accepted the report.

- (b) Skate Park Update
The Committee accepted the report with the following directives to Staff:

- **Skate Park Update for April ENYS meeting to include:**
 - **Schedule for Lake Cunningham Skate Park**
 - **Council Members' site selections along with funding**
 - **Explanation of what qualifies for urban versus suburban**

- (c) Status Report on Education Policy
- San José Smart Start
 - Safe Schools
 - Schools/City Collaborative Workplan
 - LEARNS Update
 - SAGE Matrix
 - Youth Employment

The Committee accepted the report with the following directives to Staff:

- **Updated matrix with the following information for presentation at the April 25, 2002 Study Session:**
 - **School Facilities with an updated version of matrix, by School Districts, with financial amounts.**
 - **The Department of Transportation evaluation of every school in San José on traffic issues – school safety programs – to be included in the matrix with funding levels, including crossing guards.**
 - **Update on the Teacher Housing Program including number of teachers that have purchased homes, where they are located, and the School District.**

- (d) Update on Sports Program Study
The Committee accepted the report with the following directives to Staff:
- **A policy is written to define the parameters for “open space” and general use at schools.**
 - **Signage be placed on public tennis courts.**

- (e) Family Camp Annual Report
The Committee accepted the report with the following directives to Staff:
- **A report to Council with a breakdown of residents use versus non-residents and money generated from both.**
 - **Visits are made to SNI Neighborhood meetings.**

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – March 18, 2002 – (Cont’d.)

Council Member Chavez, Chair

(f) Anti-Graffiti Update

The Committee accepted the report with the following directives to Staff:

- **Director of Environmental and Utility Services and garbage company representatives attend the April ENYS Committee meeting.**
- **Report to April ENYS Committee on what happens once an arrest is made for graffiti violations and the offender’s profile is placed into the system.**
- **Update on Anti-Litter Campaign to April ENYS Committee meeting.**

(g) Oral petitions

Tennie Ramirez, Board of Directors for the San José Retired Employees Association, introduced herself and asked the Committee to contact her, if assistance is needed from the Association.

(h) Adjournment

The meeting was adjourned at 3:35 p.m.

The Education, Neighborhoods, Youth, and Seniors Committee Report and actions of March 18, 2002

5.2 Renaming of Golden Oak Park to “Jeffrey Fontana Park.”

Recommendation: Recommendation of the Parks and Recreation Commission to rename Golden Oak Park, located at Golden Oak Way and McAbee Road, “Jeffrey Fontana Park.” (City Clerk)

This Item Heard in the Evening.

Council approved the recommendation of the Parks and Recreation Commission to rename Golden Oak Park the “Jeffrey Fontana Park”.

5.3 Approval of the assignment of an amended and restated arena management agreement.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a Consent to Assign the Amended and Restated Arena Management Agreement from San José Arena Management LP to San José Arena Management LLC, and the Hockey Use Agreement from San José Sharks LP to San José Sharks LLC.

(City Attorney’s Office)

(Deferred from 3/26/02 – Item 5.2)

Resolution No. 70907 adopted.

6 TRANSPORTATION SERVICES

6.1 Approval of actions related to public education and awareness for the Traffic Calming Program.

Recommendation:

- (a) Acceptance of staff's report responding to Council's questions from the February 12, 2002 City Council meeting seeking additional information on the Traffic Calming public education and awareness campaign; and
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Liquid Agency, Inc. to:
 - (1) Develop and assist in implementing public education and awareness services from the date of execution to May 15, 2003, as part of the City's Traffic Calming Program, in an amount not to exceed \$316,000; and
 - (2) Provide media purchasing for public education and awareness services from the date of execution to May 15, 2003, as part of the City's Traffic Calming Program, in an amount not to exceed \$529,394.

CEQA: Exempt. (Transportation)

Deferred to 04/09/02.

6.2 Report on Request for Quotation for street repair materials and authorization to execute open purchase orders.

Recommendation: Report on Request for Quotation and authorization for the Director of General Services to execute purchase orders to the following vendors:

- (a) Raisch Company, San José, CA, in the amount of \$766,764; and
- (b) Granite Rock, San José, CA, in the amount of \$631,256; and
- (c) Reed & Graham, San José, CA, in the amount of \$782,372.

CEQA: Exempt. (General Services)

Approved.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of an agreement for conversion of overhead facilities to underground facilities at Saratoga/Moorpark.

Recommendation: Approval of an agreement with Pacific Bell for conversion of overhead facilities to underground facilities within the In-Lieu Fee (Rule 20B) Underground Utility District at Saratoga/Moorpark in the amount of \$674,900. CEQA: Exempt. Council District 1. (Public Works)

Approved.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:
None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:
None.
- Open Forum
Ross Signorino spoke on historical events involving the hierarchy of the Catholic Church.

Following Open Forum, Council recessed at 3:12 p.m. and reconvened at 7:05 p.m., Council Chambers, City Hall.

11 PUBLIC HEARINGS

11.1 Public Hearing on a street renaming.

Recommendation: PUBLIC HEARING ON STREET RENAMING of a proposed frontage road running parallel to the east of State Highway 87, between the northerly line of West Hedding Street and southerly line of Coleman Avenue to Guadalupe Road. CEQA: Exempt. Historical Landmarks Commission and Director of Planning, Building and Code Enforcement recommend renaming to El Pueblo Viejo. Planning Commission recommends renaming to Guadalupe Parkway Frontage Road (7-0-0).

District 3

(Continued from 12/4/01 – Item 11.1 et al., and 3/19/02 – Item 11.1)

Continued to 05/07/02.

11.2 Public Hearing on planned development rezoning at Hillsdale Avenue and Vistapark Drive.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of Hillsdale Avenue, approximately 1,000 feet westerly of Vistapark Drive, from R-1-5 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 18 single-family attached residences on a 0.9 gross acre site. (Eden Garden, LLC, Owner/Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-02-017 - District 7

Ordinance No. 26599 passed for publication.

11.3 Public Hearing on planned development rezoning at East Santa Clara and North Fifth Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of East Santa Clara and North Fifth Streets, from CG Commercial Zoning District to A(PD) Planned Development Zoning District, to allow a mixed use project consisting of a 31,738 square foot church/community center, a 7,263 square foot child care center, 93,680 square feet of retail space on a 0.75 gross acre site. The existing church will be demolished and replaced with new construction not to exceed 182 feet above ground level. Parking will be provided on-site and on two nearby surface lots owned by the church. (The First United Methodist Church at San José, Owner/Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-03-046 - District 3

Ordinance No. 26600 passed for publication.

11 PUBLIC HEARINGS

11.4 Public Hearing on planned development rezoning at East and West Courts.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the terminus of East and West Courts, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow 92 multi-family attached senior housing units on 2.02 gross acres. (ROEM Development, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1) with the following conditions:

- (a) A supplementary shuttle service for residents who do not drive.
- (b) Emergency vehicle access easement through the project parking lot to allow a connection between East Court and West Court.
- (c) The construction of a cul-de-sac bulb at the northerly terminus of West Court.
- (d) Pedestrian access easement through the site to provide a connection to the future Lower Silver Creek Trail.

PDCSH 01-10-097 - District 3

Public Hearing Opened.

Public Testimony Accepted.

Continued to 04/09/02 for Afternoon Session at 1:30 p.m.

11.5 Public Hearing on planned development conforming rezoning at Technology Drive and Sonora Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT CONFORMING REZONING of the property located at the northeast corner of Technology Drive and Sonora Avenue, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow a change to the maximum building height, from 50 feet (and 4 ½ stories) to 54 feet (and 4 ½ stories) and to 65 feet for elevator and stair towers for a previously approved 315 unit multi-family residential project on a 5.24 gross acre site. A maximum of 10% of the total building square footage shall be allowed to include architectural structures not to exceed 60 feet. The Sonora Avenue height limit of 35 feet (and 2 ½ stories) shall remain the same. (SSR Western Multi-Family, LLC, Owner; Bayrock Residential, Developer). CEQA: Resolution No. 26064. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

PDC 02-017 - District 3

Ordinance No. 26601 passed for publication/adopted.

- Open Forum

- Adjournment

The Council of the City of San José adjourned at 9:05 p.m.

JOINT REDEVELOPMENT AGENCY/CITY COUNCIL

The following resolutions were adopted at the Joint Redevelopment Agency/City Council meeting on Tuesday, April 2, 2002:

- 7.1 PUBLIC HEARING by the City Council and Redevelopment Agency Board to approve the Disposition and Development Agreements for historic houses at 394 and 450 North Fourth Street and making certain findings.

Recommendation:

- (a) Adoption of a resolution by the City Council approving the disposition of property located at 394 North Fourth Street to Spartan Shops, accepting the 33433 summary Report, and making certain findings;
Deferred to 04/09/02.
- (b) Adoption of a resolution by the Agency Board approving the Disposition and Development Agreement (DDA) with Spartan Shops for the property located at 394 North Fourth Street, and authorizing the Executive Director to execute ancillary documents contemplated by the DDA and to close escrows and dispose of the property described in the DDA, subject to compliance with terms of the DDA.
Deferred to 04/09/02.
- (c) Adoption of a resolution by the City Council approving the disposition of property located at 450 North Fourth Street to Melonee and Tranel Hawkins and Warren Herndon, accepting the 33433 Summary Report, and making certain findings; and
Resolution No., 70908 adopted.
Vote: 10-0-1-0. Absent: Yeager
- (d) Adoption of a resolution by the Agency Board approving the Disposition and Development Agreement with Melonee and Tranel Hawkins and Warren Herndon for the property located at 4550 North Fourth Street, and authorizing the Executive Director to execute ancillary documents contemplated by the DDA and to close escrows and dispose of the property described in the DDA, subject to compliance with terms of the DDA.

CEQA: Resolution No. 68905

(CIVIC PLAZA) [Continued from March 26, 2002 – Item 7.1]

Agency Board Resolution No. 5267 adopted.